IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

WP(C).No. 19747 of 2004(A)

PETITIONER:

K.M.BALAN, S/O.MILAN, AGED 59 YEARS,
DISTRICT EDUCATIONAL OFFICER (RETD.),
KUZHIKKATTUTHARAYIL P.O., NARAKKAL,
ERNAKULAM - 682 505.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:
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1. THE STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION, JAGATHY, TRIVANDRUM-14.

3. THE DEPUTY DIRECTOR OF EDUCATION, ERNAKULAM.

4. THE ACCOUNTANT GENERAL (A & E) KERALA, TRIVANDRUM.

BY GOVERNMENT PLEADER SMT. K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 19747/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE JUDGMENT IN OP NO. 17344/2001 DT. 26/3/2002.

EXT.P2. COPY OF THE REPRESENTATION SUBMITTED BEFORE THE R1 DT. 20/5/2002.

EXT.P3. COPY OF THE LIABILITY CERTIFICATE ISSUED BY THE R1 DT. 09/07/2002.

EXT.P4. COPY OF THE REPRESENTATION FILED BEFORE THE R1 DT. 15/11/2002.

EXT.P5. COPY OF THE COMMUNICATION ISSUED BY THE R1 DT. 7/11/2002.

True copy

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KURIAN JOSEPH, J.

W.P.(C) No.19747 of 2004

Dated 21st February, 2007.

J U D G M E N T

Petitioner is aggrieved by the fixation of liability as per Ext.P3. It is submitted that the fixation was made without following the procedure required for such fixation. In the counter affidavit at paragraph 6 it is stated as follows :-

> "While finalising the liability to the petitioner, he was present in the office of 3rd respondent. Final Liability Certificate of Rs.49,260/- was issued by the 3rd respondent as per letter No.D1-13068/2000 dated 3.5.2002. The 2nd respondent had issued a notice to the petitioner for submitting his objection on the liability certificate. But the petitioner did not respond to the notice issued by the 2nd respondent."

There is no reply. In the above circumstances, the writ petition is dismissed without prejudice to the liberty to the petitioner to pursue the matter regarding liability before the first respondent, in which event, the same will be duly considered by the first respondent and appropriate action in accordance with law will be taken, within another three months.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

W.P.(C)No. of 2002

J U D G M E N T

Dated 21st February, 2007.